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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/239,878	01/29/99	BOYER	M 07091-006001

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PM82/0913

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EXAMINER

AUBREY, B

ART UNIT	PAPER NUMBER
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3635

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DATE MAILED: 09/13/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/239,878

Applicant(s)

Boyer et al

Examiner

Beth Aubrey

Group Art Unit

3635

☒ Responsive to communication(s) filed on Jul 15, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 17-22 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 17-22 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Receipt is acknowledged of the amendment filed 7/15/99.

***Information Disclosure Statement***

Receipt is acknowledged of Form 1449 filed 7/15/99.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guardiani'598. Guardiani teaches a modular vault comprising a unitary housing body(A-H) made of a metal-reinforced concrete, see Figure 6 and column 6, lines 19-22, a pre-cast roof slab, see Figure 4, side walls(12a), and a concrete floor, see Figure 6. Guardiani lacks the vault having a door frame, and the reinforcement being metal, the means for hoisting being the flat bottom of the vault.

The use of a frame with a door, and a frame with a window is well known in the construction of a unit to be used for storage/living within. Therefore, to have provided the vault of Guardiani with door/window frames making the vault vapor-tight is deemed obvious for a skilled artisan to seal the vault against burglars, and to make it fire-resistant.

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The specific material used for the reinforcement is considered a matter of obvious design choice for a skilled artisan given the intended use of the reinforcement and the environment within which it will be used.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guardiani'598 as applied to claims 17-21 above, and further in view of Speer'817. Guardiani teaches the vault discussed previously but lacks the use of hooks for hoisting the vault.

Speer teaches a unitary vault(10) having integral hooks(27) on the roof(16) of the vault.

It would have been obvious for one having ordinary skill in the art at the time of the invention to have provided the vault of Guardiani with hooks, as taught by Speer, in order to provided the vault with transporting capabilities.

### ***Response to Arguments***

Applicant's arguments filed 7/15/99 have been fully considered but they are not persuasive.

Applicant's argument regarding the vapor-tight feature of the claimed invention versus the vault of the Guardiani reference are disagreed with by the examiner. Sealing windows/doors in order to keep burglars, and outside air out is well known in the construction art. Therefor, to have provided a seal within the door and window openings of the vault of Guardiani should a single vault be used alone, is well within the purview of the skilled artisan, thereby having a vapor-tight unitary vault.

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The addition of hooks to any transportable, unitary structure is well within the purview of a skilled artisan. To have added well known hooks to the vault of Guardiani in order to make transporting capable or easier is considered an obvious combination. The motivation is provided by a well known artisan desiring to easily and efficiently transport a room element to a site where a room/building will be erected.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Aubrey whose telephone number is (703) 308-2485. The examiner

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can normally be reached from 7:30 am to 6:00 pm. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1268.



**Beth Aubrey**

**Primary Examiner**

**Group 3600**

Beth A. Aubrey

September 10, 1999